

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:	Storer <i>et al</i>	Confirmation No.:	2201
Serial No.:	10/608,907	Art Unit:	1623
Filed:	June 27, 2003	Examiner:	T. McIntosh III
For:	MODIFIED 2' AND 3' NUCLEOSIDE PRODRUGS FOR TREATING FLAVIVIRIDAE INFECTIONS	Attorney Docket No: (CAM:	11874-055-999 417451-999055) IDX 1018

**REQUEST FOR CORRECTED FILING RECEIPT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This is a request to correct the Filing Receipt in the above-referenced application. The basis for the correction is discussed below. Specifically, the correction requested is the addition of the following name to the Applicants listed on the Filing Receipt for the above-referenced application: "Paolo LaColla, Cagliari, ITALY."

**Remarks**

It has recently come to the attention of the current counsel of record that Paolo LaColla was omitted from the Filing Receipt dated April 8, 2004. From a review of the Imaged File Wrapper in PAIR, the original unexecuted Declaration and Power of Attorney forms, filed on June 27, 2003 with the original filing of the above-referenced application, listed Jean-Pierre Sommadossi, Gilles Gosselin, Richard Storer and Paolo LaColla as co-inventors (copy enclosed). In other words, four inventors were listed in this application as filed.

Similarly, the Notice to File Missing Parts requested submission of an executed oath or declaration from the four inventors. A response was filed by the firm previously handling prosecution of this application on January 12, 2004, as evidenced by the stamped postcard evidencing submission of four executed Declaration and Powers of Attorney forms. The Imaged File Wrapper in PAIR also shows that four executed Declaration and Power of Attorney forms (copies enclosed) were filed on January 12, 2004. On the front page of each executed Declaration and Power of Attorney form submitted in Applicants' Response to a

Notice to File Missing Parts, four co-inventors were listed (*see* page 1, first paragraph, "In re Application of: Jean-Pierre Sommadossi, Paolo LaColla, Richard Storer, Gilles Gosselin."). According to the Imaged File Wrapper in PAIR, three of these forms were executed by three of the originally named four co-inventors: Jean-Pierre Sommadossi, Gilles Gosselin and Richard Storer. A fourth executed form appears also signed by Gilles Gosselin, that is, two forms signed by Gilles Gosselin are in the file while the form signed by Paolo LaColla is not in the record.

It is clear from the record that Jean-Pierre Sommadossi, Paolo LaColla, Richard Storer and Gilles Gosselin were listed as coinventors in this application, and they should be so listed on the Filing Receipt. However, Paolo LaColla was omitted from the Filing Receipt dated April 8, 2004. To the extent the USPTO records do not contain a copy of the executed declaration of Paolo LaColla, a copy of the executed Declaration and Power of Attorney of Paolo LaColla is enclosed.

#### **Conclusion**

In view of the above, the Filing Receipt should be corrected to list all four inventors identified with the application as filed as well as identified on the executed Declaration and Power of Attorney forms filed on January 12, 2004. Further, entry of a copy of the executed Declaration and Power of Attorney of Paolo LaColla is requested to correct any inadvertent omission in the USPTO records.

We believe that no fee is required with this submission, however, if it is found that a fee is necessary, please charge the required fee to JONES DAY Deposit Account No. 503013 (Order No. 417451-999055). Please feel free to contact the undersigned with any questions.

Date: 4/25/08

Respectfully submitted,

  
Dale L. Rieger Reg. No. 43,045

**JONES DAY**  
222 East 41st Street  
New York, New York 10017  
(212) 326-3939

*Enclosure(s)*

**DECLARATION AND POWER OF ATTORNEY**In re Application of: Jean-Pierre Sommadossi, Paolo LaColla, Richard Storer, and Gilles G sselin

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name. I believe I am a original or joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: Modified 2' and 3'-Nucleoside Prodrugs For Treating Flaviviridae Infections the specification of which was herein.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. *I understand that I have a duty of candor and good faith toward the Patent and Trademark Office*, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

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<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC §119</u>
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I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

		60/466,194	April 28, 2003
60/392,350	June 28, 2002	60/470,949	May 14, 2003
(Application No.)	(Filing Date)	(Application No.)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

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Send correspondence to: Sherry M. Knowles  
**King & Spalding**  
 191 Peachtree Street, N.E., 45<sup>th</sup> Floor  
 Atlanta, Georgia 30303

Direct telephone calls at (404) 572-4600  
 Sherry M. Knowles

Full name of joint inventor: Jean-Pierre Sommadossi	Citizenship: FR
Inventor's signature:	Date:
Residence and Post Office Address: 7 Lowell Street; Cambridge, MA 02138 US	

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Atlanta, Georgia 30303

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Sherry M. Knowles

Full name of joint inventor: Paola LaColla	IT
Inventor's signature:	Date:
Residence and Post Office Address: 5 Strada no. 11, Poggio dei Pini; 09012 Capoterra; Cagliari Italy	

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Sherry M. Knowles

Full name of joint inventor: Richard Storer	Citizenship: GB
Inventor's signature:	Date:
Residence and Post Office Address: Sandgate Point; The Leas; Folkstone, Kent, UK CT 20 2 JE	



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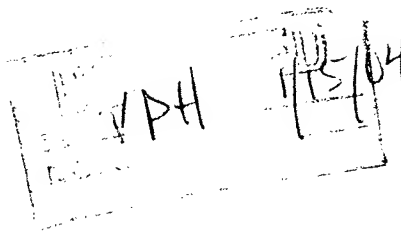
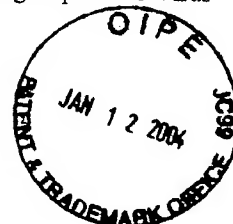
Full name of joint inventor: Gilles Gosselin	Citizenship: FR
Inventor's signature:	Date:
Residence and Post Office Address: 82 Rue Calvin; 400 Avenue Paul Rimbaud 34080; Montpellier, France	

The U.S.P.T.O official mailroom stamp affixed hereto acknowledges receipt of the items listed below.

Applicants: Jean-Pierre Sommadossi *et al.* Confirmation No. 2201  
Serial No.: 10/608,907 Art Unit : N/A  
Filed: June 27, 2003  
Title: Modified 2' and 3'-Nucleoside Prodrugs For Treating Hepatitis C Virus

Papers Submitted: 1. Transmittal of Missing Parts (1 p.)  
2. Part 2 of Missing Parts Notice (1 p.)  
3. Declarations and Powers of Attorney (4 each)  
4. Certificate of Mailing (1 p.)

Attorney Sherry M. Knowles, Esq.  
Date Mailed January 8, 2004  
Docket IDX 1018 06171.105084



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Sherry M. Knowles

Full name of joint inventor: Richard Storer	Citizenship: GB
Inventor's signature: <i>Richard Storer</i>	Date: 8-13-03
Residence and Post Office Address: Sandgate Point; The Leas; Folkstone, Kent, UK CT 20 2 JE	

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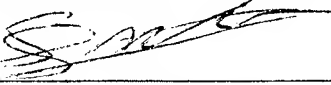
Send correspondence to: Sherry M. Knowles

**King & Spalding**

191 Peachtree Street, N.E., 45<sup>th</sup> Floor  
Atlanta, Georgia 30303

Direct telephone calls at (404) 572-4600

Sherry M. Knowles

Full name of joint inventor: Gilles Gosselin	Citizenship: FR
Inventor's signature: 	Date: 14-7-03
Residence and Post Office Address: 82 Rue Calvin; 400 Avenue Paul Rimbaud 34080; Montpellier, France	



**DECLARATION AND POWER OF ATTORNEY**In re Application of: Jean-Pierre Sommadossi, Paolo LaColla, Richard Storer, and Gilles Gosselin

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name. I believe I am a original or joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: 2' and 3'-Nucleoside Prodrugs For Treating *Flaviviridae* Infections which was filed on June 27, 2003 as U.S. Patent Application No. 10/608,907

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. *I understand that I have a duty of candor and good faith toward the Patent and Trademark Office*, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC §119</u>
------------------------	----------------	--------------------	---

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

		60/466,194	April 28, 2003
60/392,350	June 28, 2002	60/470,949	May 14, 2003
(Application No.)	(Filing Date)	(Application No.)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
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None

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.



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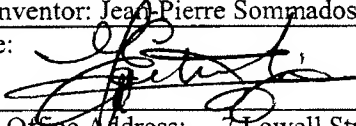
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Atlanta, Georgia 30303

Direct telephone calls at (404) 572-4600

Sherry M. Knowles

Full name of joint inventor: Jean Pierre Sommadossi	Citizenship: FR
Inventor's signature: 	Date: 31-Jul-03
Residence and Post Office Address: 7 Lowell Street; Cambridge, MA 02138 US	

**DECLARATION AND POWER OF ATTORNEY**

In re Application of: Jean-Pierre Sommadossi, Paolo LaColla, Richard Storer, Gilles Gosselin

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name. I believe I am a original or joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: Modified 2' and 3'-Nucleoside Prodrugs For Treating *Flaviviridae* Infections the specification of which was herein.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. *I understand that I have a duty of candor and good faith toward the Patent and Trademark Office*, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

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<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC §119</u>
		60/466,194	April 28, 2003
60/392,350	June 28, 2002	60/470,949	May 14, 2003
(Application No.)	(Filing Date)	(Application No.)	(Filing Date)

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<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
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IDX 1018

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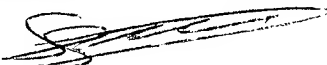
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Atlanta, Georgia 30303

Direct telephone calls at (404) 572-4600

Sherry M. Knowles

Full name of joint inventor: Gilles Gosselin	Citizenship: FR
Inventor's signature: 	Date: Jul 18, 2003
Residence and Post Office Address: 82 Rue Calvin; 400 Avenue Paul Rimbaud 34080; Montpellier, France	

**DECLARATION AND POWER OF ATTORNEY**In re Application of: Jean-Pierre Sommadossi, Paolo LaColla, Richard Storer, Gilles Gosselin

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Send correspondence to: Sherry M. Knowles  
**King & Spalding**  
 191 Peachtree Street, N.E., 45<sup>th</sup> Floor  
 Atlanta, Georgia 30303

Direct telephone calls at (404) 572-4600  
 Sherry M. Knowles

Full name of joint inventor: Paola LaColla	IT
Inventor's signature: 	Date:
Residence and Post Office Address: 5 Strada no. 11, Poggio dei Pini; 09012 Capoterra; Cagliari Italy	



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/608,907	06/27/2003	1632	7838	IDX 1018 06171.105084	4	43	9

CONFIRMATION NO. 2201

20786  
 KING & SPALDING LLP  
 191 PEACHTREE STREET, N.E.  
 ATLANTA, GA 30303-1763

UPDATED FILING RECEIPT



\*OC000000012303892\*

Date Mailed: 04/08/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

Richard Storer, Folkstone, UNITED KINGDOM;  
 Gilles Gosselin, Montpellier, FRANCE;  
 Jean-Pierre Sommadossi, Cambridge, MA;  
 Paolo La Colla, Cagliari, ITALY

**RECEIVED**

APR 12 2004

## Domestic Priority data as claimed by applicant

This appln claims benefit of 60/392,350 06/28/2002  
 and claims benefit of 60/466,194 04/28/2003  
 and claims benefit of 60/470,949 05/14/2003

KING &amp; SPALDING LLP

## Foreign Applications

If Required, Foreign Filing License Granted: 11/24/2003

Projected Publication Date: 07/15/2004

Non-Publication Request: No

Early Publication Request: No

## Title

Modified 2' and 3'-nucleoside prodrugs for treating Flaviviridae infections

**RECEIVED**  
 APR 12 2004  
 4/13/04

**Preliminary Class**

435

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/608,907	06/27/2003	Jean-Pierre Sommadossi	IDX 1018 US

20786  
KING & SPALDING  
191 PEACHTREE STREET, N.E.  
ATLANTA, GA 30303-1763

CONFIRMATION NO. 2201  
FORMALITIES LETTER



\*OC000000011351332\*

Date Mailed: 11/25/2003

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice MUST be returned with the reply.*

*Dr. Stt*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY